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USA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 MJ 808 4

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Denise CARRILLO (1)

Anthony MC FARLAND (2)

Defendants.

} Magistrate Case No.:

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

That on or about January 27, 2008, within the Southern District of California, defendants Denise CARRILLO and Anthony MC FARLAND did knowingly and intentionally import approximately 36.22 kilograms (79.68 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Peter C. Lewis

Special Agent
U.S. Immigration & Customs
Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 29TH,
DAY OF JANUARY 2008.


PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA
2
3

v.

4 Denise CARRILLO (1)
5

6 Anthony MC FARLAND (2)
7

STATEMENT OF FACTS

8 This statement of facts is based on the reports, documents, and notes furnished
9 to US Immigration and Customs Enforcement Special Agent Mathew Kelley.
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11 On January 27, 2008 at approximately 2238 hours, Denise CARRILLO and
12 Anthony MC FARLAND entered the United States at the Calexico, California, West Port
13 of Entry. CARRILLO was the driver and MC FARLAND was the passenger of a 1995
14 Honda Civic with no plates. Both CARRILLO and MC FARLAND gave a negative
15 Customs declaration. CARRILLO stated that she was returning to her residence in
16 Calexico, CA. CARRILLO presented her California Identification card and MC
17 FARLAND presented a copy of his United States birth certificate to Customs and
18 Border Protection Officer (CBPO) Bejarano. CBPO Bejarano noticed that CARRILLO
19 appeared to be nervous due to a very shaky hand as she handed him her California
20 identification card. CBPO Bejarano then referred the vehicle to the vehicle secondary
21 for further inspection due to a computer-generated referral.
22

23 CBP Canine Enforcement Officer (CEO) Ragsdale, and his canine Rita, conduct
24 a sweep of the vehicle. As CEO Ragsdale and Rita approached the vehicle, CEO
25 Ragsdale noticed that MC FARLAND was mumbling and moving his legs back and forth
26 nervously. The canine alerted to the rear seat of the vehicle. CEO Ragsdale notified
27 CBP Supervisor De Los Cobos of the alert.
28

29 In the vehicle secondary lobby, CBPO Von Loesch took negative Customs
30 declarations. CARRILLO informed CBPO Von Loesch that the vehicle was hers and
31 that she owned it for approximately one month. CARRILLO also stated that they were
32 in Mexicali to go shopping. As CBPO Von Loesch spoke with the subjects he noticed
33

1 that CARRILLO was avoiding eye contact with him and MC FARLANDS' legs were
2 trembling.

3 A subsequent inspection of the vehicle by CBPO Von Loesch revealed thirty-
4 nine (39) packages concealed within the quarter panels, rear seat and gas tank of the
5 vehicle. CBPO Von Loesch probed one of the packages, and a sample of a green leafy
6 substance was obtained, which field tested positive for marijuana. The 39 packages
7 had a combined net weight of approximately 36.22 kilograms (79.68 pounds).

8 A pat down search of CARRILLO by CBPO Ayala resulted in the discovery of a
9 small bindle of a white powdery substance that tested positive for the presence of
10 methamphetamine.

11 CARRILLO and MC FARLAND were placed under arrest and advised of their
12 Constitutional Rights.

13 MC FARLAND waived his rights and originally stated that he drove a green
14 Honda Civic to Mexicali and met with CARRILLO at La Canchanilla. CARRILLO then
15 followed MC FARLAND to a parking structure named Tecolote, where he left the green
16 Honda Civic due to mechanical problems. MC FARLAND then received a ride from
17 CARRILLO to the West Port of Entry where they were arrested in CARRILLO'S grey
18 Honda Civic. MC FARLAND denied knowledge of the narcotics.

19 Agent's spoke with MC FARLAND'S mother, Martha Cueva. Cueva stated that
20 both MC FARLAND and CARRILLO left her residence in the green Honda Civic to pick
21 up the grey Honda Civic in Mexicali. Cueva stated that she had not seen the grey
22 Honda Civic for approximately one week and was told that the grey Honda Civic was
23 receiving mechanical work in Mexicali.

24 Agents again spoke to MC FARLAND. MC FARLAND stated that the grey Civic
25 was in Mexicali getting fixed and lied because he did not know what was going on. MC
26 FARLAND continued to deny knowledge of the narcotics and continually requested to
27 speak with CARRILLO.

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